

## **REMARKS**

Claims 1-35 remain pending in the present application. Applicant deletes Claims 5, 10, and 30 without prejudice and amends Claims 1, 6, 13-16, 18, 19, 28, 31-32, and 35 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 7, 9, 11-14 and at least in Figures 4-6, 8, and 10. Therefore, these revisions introduce no new matter.

**Claims 1-4, 6-9, 11-29, and 31-35** are for consideration upon entry of the present Amendment. Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

### **Statement of Substance of Interview**

Applicant appreciates the Examiner's participation in a telephonic conference of July 10, 2007. Applicant wishes to thank the Examiner for conducting the interview.

During the interview, the claimed subject matter of the application and the Patton and Yoshida references were discussed. In particular, Applicant presented arguments along the lines of those set forth below in the section entitled "Claim Rejections 35 U.S.C. §102". Specifically, Applicant presented arguments how the Patton reference does not disclose features, such as hiding a personal identifier information on a television monitor.

In the interest of expediting prosecution of the application, and without conceding the propriety of the rejection, Applicant proposes to amend the independent claims to further clarify features of Applicant's claimed subject matter. Applicant submits the amendments in writing and that all of the pending claims are in condition for allowance.

**Claim Objections**

Claims 5, 10, and 30 are objected to under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office states the claims recite that the video content is either digital or analog. Accordingly, Applicant cancels Claims 5, 10, and 30 as these claims do not further limit the video content in the parent claim. Applicant respectfully requests the withdrawal of the objections.

**Claim Rejections 35 U.S.C. §112, 2nd para.**

Claims 1-5 and 13-29 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant amends Claim 1, 13-19, and 28 to point out and distinctly claims the subject matter. Support may be found at least at pages 12-14 and in Figures 5, 6, 8, and 10. Thus, no new matter has been introduced.

Dependent Claims 2-4, 20-27, and 29 depend directly or indirectly from one of independent Claims 1 and 19, respectively, and thus are allowable as depending from an allowable base claim. Claim 5 has been cancelled without prejudice.

Applicant respectfully submits that these claims now comply with §112, second paragraph and respectfully requests that the §112 rejections be withdrawn.

**Claim Rejections 35 U.S.C. §101**

Claims 1-4 and 31-35 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

Applicant amends **independent Claim 1 and 31**, to clarify further features of the subject matter. For example, these claims recite in part “displaying the personal identifier when the video content is transferred to a computing device” or “replayed on a client device”. Accordingly, these base claims now comply with §101.

**Dependent claims 2-4 and 32-35** depend from one of independent Claims 1 and 31, respectively, and thus are allowable as depending from an allowable base claim. Applicant respectfully submits that the claims now comply with 35 U.S.C. §101, and as a result the non-statutory rejection is now moot.

**Claim Rejections under 35 U.S.C. §102**

**Claims 1, 5-10, 19, 24, and 30-35** are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Number 2003/0016842 to Patton et al. (hereinafter “Patton”). Applicant respectfully traverses this rejection. Anticipation under §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP §2131).

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 1**, to clarify further features of the subject matter. Amended Claim 1 now recites:

A method, comprising:  
receiving video content to be protected from redistribution;  
adding a personal identifier in the video content,  
**retaining the personal identifier on a hidden border of a frame  
on a television monitor;**  
**displaying the personal identifier when the video content is  
transferred to a computing device;**  
wherein the personal identifier displays information associated  
with a user of the video content.

Applicant respectfully submits that no method for personal identifier is disclosed by Patton.

**Reference Fails to Disclose Retaining personal identifier on a hidden border and  
Displaying the personal identifier when video content is transferred**

Patton is directed towards digital information processing system and methods ([0001]). An embedded digitized image representing value content in Patton is produced on the image as shown in FIG. 6a and FIG. 6b. In contrast, Applicant's Claim 1 states "retaining the personal identifier on a hidden border of a frame on a television monitor; displaying the personal identifier when the video content is transferred to a computing device". These are not identical or similar in function. Consequently, Applicant respectfully submits that Claim 1 is not anticipated by Patton and requests that the §102 rejection be withdrawn.

**Independent Claims 6, 19, and 31** as amended, are directed towards a method, a branding engine, and computer readable media, and each are allowable for reasons similar to those discussed above with respect to Claim 1.

**Dependent Claims 7-9, 24, and 32-35** depend directly or indirectly from one of independent Claims 6, 19, and 31, respectively, and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claim 1, are not disclosed by Patton.

Thus, Applicant respectfully submits that as each and every feature is not disclosed, the claims are not anticipated by Patton. Applicant respectfully requests that the §102 rejection be withdrawn.

**Claim Rejections under 35 U.S.C. § 103**

A. **Claims 2 and 11** stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Number 2003/0016842 to Patton et al. (hereinafter "Patton"), further in view of U.S. Patent No. 6,411,712 to Yoshida et al. (hereinafter "Yoshida").

B. **Claims 3, 4, 13-16, and 20-23** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patton and Yoshida, further in view of U.S. Patent Application No. 2002/0080964 to Stone et al. (hereinafter "Stone").

C. **Claims 17 and 18** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patton, Yoshida, and Stone, further in view of U.S. Patent Application No. 2003/0037010 to Schmelzer et al. (hereinafter "Schmelzer").

D. **Claim 25** stands rejected under 35 U.S.C. §103(a) as being unpatentable over Patton and further in view of U.S. Patent Application No. 2003/0165253 to Simpson et al. (hereinafter "Simpson").

E. **Claims 26 and 27** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patton and Simpson, further in view of U.S. Patent Application No. 2003/0037010 to Schmelzer et al. (hereinafter "Schmelzer").

F. **Claims 28 and 29** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patton, Simpson, Schmelzer, and further in view of U.S. Patent Application No. 2002/0080964 to Stone et al. (hereinafter "Stone"). Applicant respectfully traverses the rejection.

All of the §103(a) rejection relies on Patton. As explained above with respect to the rejection under 35 U.S.C. § 102(e), Applicant submits that Patton does not disclose "retaining the personal identifier on a hidden border of a frame on a television monitor; displaying the

personal identifier when the video content is transferred to a computing device”, as recited in Applicant’s independent claims.

Applicant submits that Patton fails to disclose the features of independent Claims 1, 6, 19, and 31. **Dependent Claims 2-4, 7-9, 11-18, 20-29, and 32-35** depend directly or indirectly from one of independent Claims 1, 6, 19, and 31, respectively, and are allowable by virtue of this dependency. These dependent claims are also allowable for their own recited features that, in combination with those recited in Claims 1, 6, 19, and 31, are not taught, or suggested by Patton and the other references cited by the Office.

**The Cited Art Provides No Suggestion or Motivation to Modify or Combine the References**

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (MPEP §2142). The Office stated the motivation for combining the methods of Patton and Yoshida is “one would have been motivated to perform an addition to be able to supply multiple programs to a user so that he may have a variety of programs to view”. This does not address why this specific proposed modification would have been obvious.

There is nothing in either of the references that would suggest this motivation. The asserted motivation relies on hindsight without evidence of teaching or suggestion to propose the suggested combination. Thus, this rejection is improper for this additional reason.

Applicant reviews the evidence and submits that the Office has failed to provide sufficient evidence to establish motivation for one of ordinary skill in the art, to modify Patton with any of the references. There is insufficient evidence in Patton, Yoshida, Stone,

Schmelzer, and Simpson, to combine their respective teachings and arrive at the subject matter as claimed. The asserted motivation relies on hindsight without evidence of teaching or suggestion to propose the suggested combination. Thus, this rejection is improper for this additional reason.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

**Conclusion**

Claims 1-4, 6-9, 11-29, and 31-35 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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